

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 23, 2002. In the Office Action, claims 1 – 9 remain pending and stand rejected. Specifically, claims 1 - 9 stand rejected based on double-patenting over claim 1 of U.S. Patent No. 6,324,267 B1, which is the parent utility patent of the present application and was issued to Hrastar et al. on November 27, 2001. Furthermore, claims 1 – 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mohammed (U.S. Patent No. 5,894,479) with Winter et al. (U.S. Patent No. 4,814,972). Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a) and request reconsideration and allowance of the pending claims.

Double Patenting Rejection

Claims 1 - 9 were rejected as being unpatentable over claim 1 of Hrastar et al., (U.S. Patent No. 6,324,267 B1) because of obviousness-type double patenting. Applicants have included herewith a properly executed Terminal Disclaimer along with the appropriate fee.

Rejections Under 35 U.S.C. § 103(a)

Independent claim 1 and dependent claims 2 – 9 have been rejected under 35 U.S.C. 103(a) as purportedly being unpatentable over Mohammed (U.S. Patent No. 5,894,479) in view of Winter et al. (U.S. Patent No. 4,814,972). However, independent claim 1 specifies that the “validation agent authorizes the subscriber to use said network” (*i.e.*, the cable data delivery network). In contrast, lines 54 – 58 of column 5 in Mohammed specify the following:

Thus after initial configuration and initialization of cable modem 14,
downstream data would come to client 22 from headend server 8 over

cable 20. However, in order for client 22 to send data back to headend server 8, a user would need to manually dial-up POTS server 39.

Then as part of the POTS dial-up process in Mohammed, lines 35 – 38 of column 6 state, “At this point no data other than handshaking, user log-in information (*e.g.*, password and user id) and IP address assignment have been exchanged” over the dial-up link. This statement in Mohammed refers to the dial-up modem portion of communications. However, as shown in column 5, lines 54 – 58 of Mohammed, the cable network allows downstream data to be delivered to the client before the POTS dial-up log-in procedure has been completed.

In contrast, in the present claims a subscriber is not authorized to use the cable data delivery network (even for downstream traffic) without authorization from the validation agent. The login process of Mohammed that allows the cable network to be used for downstream data through the cable modem prior to user login has potential security problems that do not occur in the present claim 1. Specifically, in claim 1 the “validation agent [has to authorize] the subscriber to use [the cable data delivery] network.” In Mohammed, the login process only controls authorization for using the upstream communication over the POTS dial-up modem. Based on these arguments Applicants submit that independent claim 1 is patentable over Mohammed as well as any combination of Mohammed and Winter. In addition, Applicants submit that dependent claims 2 – 8, which depend from independent claim 1, are also allowable over Mohammed and any combination of Mohammed and Winter.

Furthermore, dependent claims 7 – 9 depend on claims 2 and 3 as well as other intervening dependent claims. Thus, dependent claims 7 – 9 include an electronic identifying number in addition to the USERID and password that were introduced in claims 2 and 3, respectively. Applicants submit that neither Mohammed nor Winter discloses an authorization process or apparatus that includes the use of all three of these items: USERID, password, and electronic identifying number. Often system security depends on uniquely identifying the party that is seeking access to the system. Normally, uniquely identifying a person may involve a username (or USERID) and a password,

while uniquely identifying a device may involve an electronic identifying number. In Winter column 8, lines 33 – 38, the terminal identification information is used to identify a device (*i.e.*, the terminal). In contrast, the password and user id of column 6, line 37 in Mohammed is for “user log-in” (column 6, line 36). Thus, Mohammed teaches the use of a user id and password for user login, while Winter teaches the use of terminal identification information to identify devices.


Therefore, different prior art security applications may have worked with either user ID and password for users as in Mohammed or terminal identification for devices as in Winter. However, because of the different applications in which the security mechanisms were used, Applicants submit that there is no motivation to combine these two security authorization techniques in the prior art. Thus, Mohammed and Winter teach away from the combined use of USERID, password, and electronic identifying number. Applicants submit that in addition to the reasons stated about the patentability of independent claim 1 over the combination of Mohammed and Winter, dependent claims 7 – 9 further are patentable over the combination of Mohammed and Winter because Mohammed and Winter teach away from the combined use of USERID, password, and electronic identifying number as part of authorization.

Accordingly, based at least upon the previous arguments, Applicants submit that independent claim 1 and dependent claims 2 – 9 are allowable over the combination of Mohammed (U.S. Patent No. 5,894,479) and Winter et al. (U.S. Patent No. 4,814,972).

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 - 9 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


A handwritten signature in black ink, appearing to read 'JKuester', is written over a horizontal line.

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